

RESOLUTION NO. WD-1266

A RESOLUTION OF THE BOARD OF WATER
COMMISSIONERS OF THE CITY OF LONG BEACH
AMENDING AND RESTATING THE WATER
CONSERVATION AND WATER SUPPLY SHORTAGE PLAN,
AND RESCINDING RESOLUTION NO. WD-1232

WHEREAS, a reliable, minimum supply of quality potable water is essential
to the welfare of the people and economy of the City of Long Beach ("City"); and

WHEREAS, responsible management of water supplies in non-shortage
conditions is wise and prudent for both water supply reliability and environmental
stewardship; and

WHEREAS, effective and equitable management of limited water supplies
during a water supply shortage minimizes the impact on the people and economy of the
City; and

WHEREAS, water conservation is an important component of California's
water policy for the future; and

WHEREAS, all reasonable efforts to conserve water should continue to be
a high priority; and

WHEREAS, on September 21, 1995, the Board of Water Commissioners of
the City of Long Beach ("Board") adopted Resolution No. WD-1071 entitled "A Resolution
of the Board of Water Commissioners of the City of Long Beach Restating The
Emergency Water Conservation Plan and Rescinding Resolution Nos. WD-990, WD-994,
WD-1005 and WD-1020"; and

WHEREAS, on November 3, 2005, the Board adopted Resolution No. WD-
1209 entitled "A Resolution of the Board of Water Commissioners of the City of Long
Beach Adopting a Water Conservation and Water Supply Shortage Plan, and Rescinding

1 Resolution No. WD-1071"; and

2 WHEREAS, on June 21, 2007, the Board adopted Resolution No. WD-1232
3 entitled "A Resolution of the Board of Water Commissioners of the City of Long Beach
4 Amending and Restating the Water Conservation and Water Supply Shortage Plan and
5 Rescinding Resolution WD-1209"; and

6 WHEREAS, the Board now wishes to amend and restate the Water
7 Conservation and Water Supply Shortage Plan;

8 NOW, THEREFORE, the Board of Water Commissioners of the City of
9 Long Beach resolves as follows:

10 Section 1. Scope.

11 There is hereby established a Water Conservation and Water Supply
12 Shortage Plan ("Plan").

13 Section 2. Objectives.

14 The objectives of the Plan are:

15 A. To prevent water supply shortages through aggressive and effective
16 water management programs such as conjunctive use, water conservation, water
17 education and use of reclaimed water;

18 B. To minimize the impact of a water supply shortage on the City's
19 population and economy;

20 C. To provide first for public health and fire protection and other
21 essential services, then to provide for the economic health of the City, and then to
22 provide for other uses of water; and

23 D. To ensure that water users who conserve water during normal-year
24 hydrology and wet-year hydrology are not disadvantaged by the Plan during
25 shortages.

26 Section 3. Notice.

27 When an Imminent Water Supply Shortage, a Stage 1 Water Supply
28 Shortage, a Stage 2 Water Supply Shortage, or a Stage 3 Water Supply Shortage is

1 declared by the Board, the Long Beach Water Department ("Department") shall provide
2 notice to its customers. Said Notice shall include:

- 3 A. The effective date of the declaration;
- 4 B. The Prohibited Use of Water (PUoW) associated with the relevant
5 supply shortage;
- 6 C. Information about rate increases, if any, resulting from the
7 declaration; and
- 8 D. The importance of their taking additional voluntary actions to
9 conserve water.

10 This Notice shall be published pursuant to California Government Codes
11 Section 6063.

12 The Department will continue to educate its customers for the duration of
13 the water supply shortage. The Department will communicate effectively with its diverse
14 customer base.

15 Section 4. Prohibited Uses of Water at All Times.

16 The following uses of water are prohibited at all times:

- 17 A. Permitting the excess use, loss or escape of water through breaks,
18 leaks or other malfunctions in the water user's plumbing or distribution system for
19 any period of time after such escape of water should have reasonably been
20 discovered and corrected;
- 21 B. Irrigating landscape with potable water at any time other than such
22 hours as determined by the General Manager of the Long Beach Water
23 Department or the General Manager's designee (collectively "General Manager").
24 When establishing the hours for which irrigating landscape with potable water is
25 prohibited, the General Manager shall consider, but is not limited to, the stage of
26 the water supply shortage as declared by the Board, the time of year, and the
27 impact of daylight savings time. The hours as established or any changes to the
28 prohibited hours for irrigating landscape with potable water by the General

1 Manager shall be published in a local newspaper of general circulation, pursuant
2 to California Government Code Section 6063;

3 C. Irrigating landscape in a manner that results in unreasonable runoff,
4 as determined by the General Manager, where water flows onto adjacent property,
5 non-irrigated areas, private and public walks, roadways, parking lots or structures;

6 D. Irrigating landscape in a manner that is unreasonably water-
7 inefficient, as determined by the General Manager. Unreasonable water-inefficient
8 irrigation includes, but is not limited to, excessive over spray, excessive misting,
9 over pressurization, misalignment or tilted spray heads, or other malfunction or
10 out-of-adjustment condition which results in unreasonable waste of potable water;

11 E. Washing driveways, sidewalks, parking areas, patios, other outdoor
12 impermeable surface areas, kitchens or objects such as kitchen non-skid mats
13 with a hose unless using a water-conserving pressurized cleaning device as
14 defined herein. A water-conserving pressurized cleaning device shall discharge
15 water at a minimum of 1,000 pounds per square inch or rated at using less than
16 three (3) gallons of water per minute. A simple spray nozzle does not qualify as a
17 water-conserving pressurized cleaning device;

18 F. Washing a vehicle with a hose when the hose does not have a water
19 shut-off nozzle or device attached to it or allowing a hose to run continuously while
20 washing a vehicle;

21 G. Any other water use resulting in excessive or unreasonable runoff,
22 as determined by the General Manager, where water flows onto adjacent property,
23 public or private walks or road, parking lots or other structures;

24 H. Operating a fountain or other water feature that does not re-circulate
25 the water;

26 I. A hotel or motel failing to provide its customers the option of
27 choosing not to have towels and linens laundered daily and/or failing to
28 prominently display notice of this option in each bathroom and sleeping room

1 using clear and easily understood language. The Department shall make suitable
2 displays available;

3 J. Restaurants and all other commercial, industrial, institutional food
4 preparation sites using pre-rinse heads having flow-rates greater than 1.5 gallons
5 of water per minute;

6 K. Operating a commercial laundry system installed after November 3,
7 2006, that does not recirculate wash and/or rinse water;

8 L. Operating a conveyor type car wash system that does not recirculate
9 the wash and/or rinse water;

10 M. Installing a single-pass cooling systems in a building requesting a
11 water connection after November 3, 2006;

12 N. Using potable water, rather than reclaimed water, after the General
13 Manager has provided to the customer an analysis showing that reclaimed water
14 is a cost-effective alternative to potable water and the customer has had a
15 reasonable amount of time, as determined by the General Manager to make the
16 conversion to reclaimed water.

17 Section 5. Imminent Water Supply Shortage.

18 A. The Board shall declare an Imminent Water Supply Shortage by
19 resolution when the Board determines, in its sole discretion, that a declaration will
20 help to avoid or lessen the impact of an imminent water supply shortage. The type
21 of event which may prompt the Board to declare an Imminent Water Supply
22 Shortage may include, among other factors, a finding that its wholesale water
23 provider calls for extraordinary water conservation.

24 B. In addition to the prohibited uses of water identified in Section 4, the
25 following uses of water are prohibited during a declared Imminent Water Supply
26 Shortage:

27 (1) Serving drinking water to any customer in a restaurant or
28 other public place where food is served, sold, or offered for sale unless

expressly requested by the customer. The Department shall make suitable displays, alerting customers to this restriction, available to restaurants and these types of other public places;

(2) Irrigating landscape with potable water any day other than Monday, Thursday, or Saturday, except for very short periods of time for the expressed purpose of adjusting or repairing the irrigation system;

(3) Irrigating landscape with potable water for:

(i) More than twenty (20) minutes per authorized day if using stream rotator-type or gear driven sprinkler heads rated at emitting less than one (1) gallon per minute under recommended operating pressure; or

(ii) More than ten (10) minutes per authorized day if using sprinkler heads rated at emitting one (1) or more gallons of water per minute under recommended operating pressure;

(4) Irrigating landscape using reclaimed water to the point that the landscape becomes saturated and irrigation waters flow off the landscape.

Section 6. Stage 1 Water Supply Shortage.

A. The Board may, in its sole discretion, declare by resolution that a Stage 1 Water Supply Shortage exists and that the actions outlined in this Section are necessary in order to meet the Objectives of this Plan. The type of event which may prompt the Board to declare a Stage 1 Water Supply Shortage includes, among other factors, is a reduced allocation of water by the Department's wholesale water provider.

B. Prohibited Uses of Water in a Stage 1 Water Supply Shortage. In addition to the prohibited uses of water identified in Sections 4 and 5, the following uses of water are prohibited during a Stage 1 Water Supply Shortage:

(1) Irrigating landscape with potable water any day other than Monday or Thursday, beginning on the first day of October through the end of the last day of the following March, except for very short periods of time

1 for the expressed purpose of adjusting or repairing the irrigation system;

2 (2) Filling residential swimming pools and spas with potable
3 water;

4 (3) Other prohibited uses as determined by the Board, in its sole
5 discretion, after notice to customers.

6 Section 7. Stage 2 Water Supply Shortage.

7 A. The Board may, in its sole discretion, declare by resolution that a
8 Stage 2 Water Supply Shortage exists and that the actions outlined in this Section
9 are necessary in order to meet the Objectives of this Plan.

10 B. Prohibited Uses of Water in a Stage 2 Water Supply Shortage. In
11 addition to the prohibited uses of water identified in Sections 4, 5 and 6, the
12 following uses of water are prohibited during a declared Stage 2 Water Supply
13 Shortage:

14 (1) Irrigating landscape with potable water any day other than
15 Monday or Thursday, except for very short periods of time for the
16 expressed purpose of adjusting or repairing the irrigation system;

17 (2) Other prohibited uses as determined by the Board, in its sole
18 discretion, after notice to customers.

19 Section 8. Stage 3 Water Supply Shortage.

20 A. The Board may, in its sole discretion, declare by resolution that a
21 Stage 3 Water Supply Shortage exists and that the actions outlined in this Section
22 are necessary in order to meet the Objectives of this Plan.

23 B. Prohibited Uses of Water in a Stage 3 Water Supply Shortage. In
24 addition to the prohibited uses of water identified in Sections 4, 5, 6 and 7,
25 additional restrictions or prohibitions on the use of water may be imposed by the
26 Board at its sole discretion.

27 Section 9. Water Rates.

28 The Board may adjust water rates during a Board declared Stage 1, Stage

2, or Stage 3 Water Shortage subject to the then current Resolution fixing the Rates and Charges for Water and Sewer Service. Any increase in rates approved by the Board shall be subject to a public protest hearing as provided for in the California Constitution Article XIII.

Section 10. Sudden Catastrophic Water Supply Shortage.

When the General Manager determines that a sudden event has, or threatens to, significantly diminish the reliability or quality of the City's water supply, then the General Manager may declare a Catastrophic Water Supply Shortage and impose whatever emergency water allocation or conservation actions deemed necessary, in the General Manager's professional judgment, to protect the reliability and quality of the City's water supply and in order to meet the Objectives of this Plan, until the emergency passes or the Board takes other action.

Section 11. Issuance of a Notice of Violation.

A. A "Customer" as defined in the Long Beach Water Department Rules, Regulations, and Charges Governing Potable Water, Reclaimed Water, Sewer Service and the Water Conservation and Water Supply Shortage Plan ("Department Rules, Regulations and Charges"), shall be the party in violation of this Plan when water associated with the Customer's account is used in a prohibited manner. For each separate and distinct violation of this Plan, the Customer may be served a Notice of Violation in accordance with the Department Rules, Regulations and Charges.

B. Each and every day a violation exists constitutes a separate and distinct offense.

C. Warning Letter: Prior to receiving a Notice of Violation, Customer shall first be served a Warning letter, in accordance with the Department Rules, Regulations, and Charges.

D. The amount of the PUoW Charge shall be as established by the City of Long Beach Board of Water Commissioners by Resolution and listed in the

1 Department Rules, Regulations, and Charges.

2 Section 12. Reduce or Terminate Water Service.

3 Depending on the severity of the prohibited use of water and the
4 seriousness of the water supply shortage or imminent water supply shortage, the
5 General Manager may cause the installation of a flow restriction device or may
6 have the water service terminated. The General Manager shall give fourteen (14)
7 days notice that these actions may be taken unless, in the General Manager's
8 discretion, the severity of the misuse or the severity of the shortage mandates a
9 shorter period of time, in which case the number of days for notice shall be at the
10 General Manager's sole discretion.

11 The Customer shall pay the cost of restricting the flow or terminating the
12 service and shall pay the cost of re-installing full service, prior to the restoration of full
13 service.

14 Section 13. Satisfaction of the PUoW.

15 Upon service of a Notice of Violation and PUoW Charge, the
16 Customer shall do the following:

17 A. Remedy the violation(s) no later than the date as specified on
18 the Notice. Correcting the violation(s) shall not excuse or discharge
19 payment of the PUoW Charge.

20 B. Pay the PUoW Charge no later than thirty (30) days from the
21 date of issuance of the citation as specified on the Notice. Payment of a
22 PUoW Charge shall not excuse or discharge the failure to correct the
23 violation(s), nor shall it bar further enforcement action by the Department.
24 Late charges shall be imposed for PUoW payments made after the payment
25 due date. The late charge shall be assessed per standard Department
26 practices, and will be imposed in addition to any outstanding PUoW Charge.

27 Section 14. Appeal of Notice of Violation.

28 Any recipient of a PUoW Charge may appeal said violation in

1 accordance with the Water Department Rules, Regulations, and Charges.

2 Section 15. Hearing Procedure.

3 The hearing of any appeal of a Notice of Violation shall be conducted in
4 accordance with the Department Rules, Regulations, and Charges,

5 Section 16. Dismissal of Notice of Violation.

6 The General Manager may dismiss a Notice of Violation at any time if it is
7 determined to have been issued in error or upon good cause.

8 Section 17. Reservation of Rights.

9 The rights of the Department shall be cumulative to any other right of the
10 Department stated in this Plan, the Department Rules, Regulations and Charges, the
11 Long Beach Municipal Code, or as provided for under State or Federal law.

12 Section 18. Exceptions.

13 The prohibited uses of water in this Plan are not applicable to that use of
14 water necessary, as determined by the General Manager, for public health and safety or
15 for essential governmental services such as police, fire, and other similar emergency
16 services.

17 Section 19. General Provisions.

18 A. Nothing contained in this Plan shall be construed to require the
19 Department to curtail the supply of water to any Customer when, in the discretion
20 of the General Manager, that water is required by that customer to maintain an
21 adequate level of public health and safety.

22 B. Any term not defined in this Plan which is defined in the then current
23 Department Rules, Regulations and Charges shall have the meaning stated
24 therein.

25 C. This Plan shall apply to all customers and property receiving water
26 from the Department wherever situated, and shall also apply to all property and
27 facilities owned, maintained, operated or under the jurisdiction of the various
28 officials, boards, departments, bureaus or agencies of the City.

D. If any section, subsection, sentence, clause or phrase in this Plan or the application of it to any person or circumstances is for any reason held invalid, the validity of the remainder of this Plan or the application of such provision to other persons or circumstances shall not be affected. The Board declares that it would have passed this Plan and each section, subsection, sentence, clause, and phrase in it irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or the application of them to any person or circumstances be held invalid.

Section 20. Approval of this Resolution.

On the effective date of this Resolution all prior Resolutions including Resolution No. WD-1232 relating to the Water Conservation and Water Supply Shortage plans of the Long Beach Water Department are hereby rescinded and superseded.

The Secretary of the Board of Water Commissioners shall certify to the passage of this Resolution and cause a copy of the Resolution to be published pursuant to Government Code Section 6061. This Resolution shall take effect thirty (30) days after the Secretary's certification.

I hereby certify that this resolution was adopted by the Board of Water Commissioners of the City of Long Beach at its meeting on 12/17/2009, by the following vote:

Ayes:	Commissioners:	<u>DALLMAN; CLARKE; ALLEN;</u>
		<u>BLANCO</u>
Noes:	Commissioners:	<u>NONE</u>
Absent:	Commissioners:	<u>TOWNSEND</u>

CERTIFIED AS A TRUE AND CORRECT COPY

SECRETARY TO THE BOARD OF WATER COMMISSIONERS
CITY OF LONG BEACH, CALIFORNIA

BY: Frank Clark

DATE: 12/17/2009

Frank Clark
Secretary
BOARD OF WATER COMMISSIONERS